

ORIGINAL

U.S. DISTRICT COURT
NORTHERN DISTRICT OF TEXAS

FILED

OCT 22 2001

CLERK, U.S. DISTRICT COURT

By Deputy

In the United States District Court for the Northern District of Texas
Dallas Division

(USA and)
Jamal Elhaj-Chehade
Co- plaintiff

Vs.
Educational Commission for Foreign Medical Graduates
(entities and individuals) defendants

3:01-CV-01301-L

Plaintiff's motion to reconsider the transfer of this case to Judge Boyle

October 12, 2001

Comes now on this date, this should be the plaintiff motion for the court to reconsider the transfer of this case to Judge Boyle as follow:

- 1- the plaintiff provided extreme reasonable reasons for such transfer, it will facilitate the introduction of the evidence and understand them, thus enhancing the court efficiency and administration of justice and reduce the cost of litigation and prevent the further cover ups for the defendants.
- 2- The transfer will prevent to include judge Boyle as defendants in his personal(not official capacity). Judge Boyle does have the duty to correct her own mistakes based on fabricated proceedings and frivolous assumptions that the plaintiff cannot prove his case. And that the USDC opinion in 3:99CV-680-D/BC lacks any validity.
- 3- The transfer will prevent further litigations aimed against judge Boyle in her personal capacity. And if this court refuse the transfer of this case to judge Boyle. The court must make Judge Boyle Consent to be sued in her individual capacity(and not as a Governmental agent)as to be included, because the US Government does not allow or endorse for the violations of its own laws and judge Boyle did not act within its authority when she rendered judgments that violate the laws and the Constitution that she was supposed to protect if acting as an agent of the government. And that the inclusion if judge Boyle as a defendant is **a technical** matter and does not reduce or alter the full and exclusive liability of the ECFMG as the real party of interest defendant.
- 4- That the US Attorney must be notified that this matter is a personal and not between the plaintiff and the Government and that the US Government must not provide Judge Boyle with legal representation.
- 5- The plaintiff stresses that USDC case 3:99 CV-680-D/BC must be reopened and reactivated for further consideration based on the new evidences, and that upon consideration this court must hear both cases the old and the new one, and if this court is to hear this case, it must allow a review rehearing of the old case before the further proceeding in the new case. The current judge must be made aware of all evidences and circumstances to avoid any prejudice against the plaintiff that may occur out of corrupt stare decisis. The plaintiff does have 100% prevailing matters in both cases. The defendants were created for the help and service of the plaintiff and they did acquire federal and state benefits under such promises. But the defendants not only acquire some such benefits under false or fraudulent or deceptive manners, but also refused to abide by their obligations toward the US

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and the plaintiff and the public, and that the defendants forcefully and deliberately engaged in assaults, using such benefits, against the plaintiff and the public and the government in violation of the US laws “ the Supreme laws of the land” in which direct harms done to plaintiff and the public.

- 6- The plaintiff asserts that the ECFMG et al is the sole party and exclusive party responsible for all liability incurred in the case matters irrespective of any other party that may be added for technical reasons or otherwise . the ECFMG et al does have permanent obligations for life(past , present and future) toward the plaintiff(irrespective of any court orders) that the defendants ECFMG have admitted repeatedly to such obligations in their own publications, charters and aims and missions(evidences available) and that the ECFMG must never engage in any activity or behavior **that adversely affect or alter or delay or aggravate or exclude the plaintiff from being integrated into the US Healthcare System irrespective whether the defendants actions were legal or not.**
- 7- In addition, the new evidence obtained against the defendants prove that the ECFMG actions were done under fraud, and deception and illegal umbrella which render the liability of the ECFMG to aggravated and premeditated actions for which extensive reliefs are required, Furthermore, **the new evidence of fraud and deceptions** by the ECFMG eliminate the requirements for the statute of limitations for previous actions done in 1990 (**that the Statute of limitations** never run out) that the court must consider in review of the old case and the new one that reliefs must be granted. The defendants engaged in fraud and deceptions that led to believe that the previous actions were due to alternate party or circumstances. But when applying the new evidences Under FRCP Standard Civil and favorable to the plaintiff, the new evidences that prove the ECFMG Fraud and deceptions prove that the ECFMG is fully liable for the previous actions(**exception to the statute of limitations**) and for the recent and current actions that are beyond reasonable doubt rather than preponderance of evidences. The ECFMG is responsible and fully liable(because of its lifetime duty toward the plaintiff) for creating the conditions and the hardships the plaintiff is in and delaying his integration into the US healthcare system. The ECFMG liability extends to actions done by third party or non defendant and even if ECFMG actions were legal in nature or under the pretense of court orders.
- 8- Wherefore, premises considered, the plaintiff prays that this court allow for such requests
- 9- **Certificate of Service:** This is to certify that a true copy of the foregoing has been sent to the defendants ECFMG via e-mail and via USPS regular on the day it was stamped by the clerk at the address of their counsel Mrs Susan Schwartz 6688 N. Central Expressway # 850 Dallas, Texas 75206-3913 and that Judge Boyle must receive a copy of this foregoing as well as the US Attorney(General) for record as this case is not against the Government but for the interest of the USA

Respectfully submitted and GOD BLESS AMERICA.

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